

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE: XARELTO (RIVAROXABAN) (‘310) PATENT LITIGATION	MDL No. 21-3017-RGA
BAYER PHARMA AG, BAYER AG and JANSSEN PHARMACEUTICALS, INC.,  Plaintiffs,  v.  CIPLA LTD., CIPLA USA INC., and INVAGEN PHARMACEUTICALS, INC.  Defendant.	C.A. No. 23-1196-RGA
BAYER PHARMA AG, BAYER AG, and JANSSEN PHARMACEUTICALS, INC.,  Plaintiffs,  v.  LUPIN LIMITED, et al.,  Defendants.	C.A. No. 21-314-RGA-JLH (CONSOLIDATED)

**STIPULATION AND ORDER REGARDING CONSOLIDATION AND SCHEDULE**

WHEREAS, Plaintiffs Bayer Pharma AG, Bayer AG, and Janssen Pharmaceuticals, Inc., (collectively, “Plaintiffs”) filed C.A. No. 23-1196-RGA against Defendants Cipla LTD and Cipla USA Inc. in connection with the submission of Abbreviated New Drug Application (“ANDA”) No. 218768 to the U.S. Food and Drug Administration seeking approval for generic versions of

Plaintiffs' 2.5 mg Xarelto<sup>®</sup> product prior to the expiration of U.S. Patent No. 10,828,310 ("the '310 patent");

WHEREAS, by stipulation filed November 20, 2023 (D.I. 11, SO ORDERED D.I. 12), Invagen Pharmaceuticals, Inc. was added as a Defendant;

WHEREAS, Plaintiffs are engaged in related litigation against a number of defendants in connection with the '310 patent, which are coordinated and consolidated under MDL No. 21-3017-RGA and C.A. No. 21-314-RGA-JLH (consolidated);

WHEREAS, C.A. No. 21-314-RGA-JLH is currently stayed (D.I. 153);

WHEREAS, the parties wish to streamline discovery and conserve their and the Court's resources;

IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval:

1. C.A. No. 23-1196-RGA shall be consolidated with C.A. No. 21-314-RGA-JLH (consolidated) for all purposes, including for trial. All papers shall be filed in C.A. No. 21-314-RGA-JLH (consolidated).

2. The Scheduling Order in C.A. No. 21-314-RGA-JLH (consolidated) (D.I. 21), as modified by stipulation and Court Order, shall govern C.A. No. 23-1196-RGA.

3. The Stipulation and Order regarding claim construction in C.A. No. 21-314-RGA-JLH (consolidated) (D.I. 72, 73) shall apply.

4. The Stipulated Protective Order in C.A. No. 21-314-RGA-JLH (consolidated) (D.I. 36, 37) shall apply.

5. C.A. No. 23-1196-RGA is hereby stayed pursuant to D.I. 153 in C.A. No. 21-314-RGA-JLH (consolidated), and the parties agree to adopt and follow the reporting obligations set forth in D.I. 152-153.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Derek J. Fahnestock*

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Jack B. Blumenfeld (#1014)  
Rodger D. Smith (#3778)  
Derek J. Fahnestock (#4705)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jblumenfeld@morrisnichols.com  
rsmith@morrisnichols.com  
dfahnestock@morrisnichols.com

*Attorneys for Plaintiffs Bayer Pharma AG,  
Bayer AG and Janssen Pharmaceuticals, Inc.*

ABRAMS & BAYLISS LLP

*/s/ April M. Ferraro*

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John M. Seaman (#3868)  
April M. Ferraro (#6152)  
20 Montchanin Road, Suite 200  
Wilmington, DE 19807  
(302) 778-1000  
seaman@abramsbayliss.com  
ferraro@abramsbayliss.com

*Attorneys for Defendants Cipla Ltd., Cipla  
USA Inc., and Invagen Pharmaceuticals, Inc.*

SO ORDERED this 15 day of December, 2023.

*/s/ Richard G. Andrews*

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UNITED STATES DISTRICT JUDGE